IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.5 OF 2003

Jagannath C. Pawar & Ors. ....Petitioners
Versus
State of Maharashtra & Ors. ....Respondents

Mr.S. D. Suryawanshi for the Petitioners.
Mr.Vinay Sakpal, Assistant Government Pleader for Respondent Nos.1 to 4.
Mr.P. N. Joshi for Respondent No.6.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 5TH OCTOBER, 2005.

P.C. :

This Petition has been filed with a prayer that Respondent Nos.1 to 5 be directed to open the Bhagurdi Abhona road which has been unauthorisedly and illegally closed by Respondent No.6 on the North side to the Gat No.110, C.S. No.498 of Abhona Grampanchayat, Taluka Kalvan, District Nashik.

2. Pursuant to the show cause notice issued by this Court, the Sub Divisional Engineer, Nashik District has filed the affidavit. It is

specifically incorporated in the second paragraph of the affidavit that there is no wire fencing closing the entrance of Primary Health Centre at Abhona.

3. The learned counsel appearing for Respondent No.6 submits that the allegations levelled against Respondent No.6 that the road has been closed, is totally devoid of any merit and in fact the road has not been closed.

4. In view of this statement and the affidavit of the Sub-Divisional Engineer, we do not find any merit in the Petition. We direct Mr.Pradip Kashinath Badhan, Sub-Divisional Engineer, who has filed the affidavit before this Court to visit the plot and in case there is wire fencing by which the entrance of Primary Health Centre at Abhona is closed, the same may be removed within one week from today. No further directions are necessary in this Public Interest Litigation. The Public Interest Litigation is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.